

# Exhibit C

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

LARRY PHILPOT

Plaintiff,

v.

UMG RECORDINGS, INC.

Defendant.

**Case No. 1:17-cv-05058-AT**

**DEFENDANT'S FIRST REQUEST FOR  
PRODUCTION OF DOCUMENTS AND THINGS**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, Defendant UMG Recordings, Inc. hereby requests that Plaintiff Larry Philpot produce for inspection and copying the documents and things identified below at the offices of Oppenheim + Zebrak LLP, 5225 Wisconsin Avenue NW, Suite 503, Washington, District of Columbia, 20015, within thirty (30) days of the service of this Request, or at such other time and place as may be ordered by the Court or agreed to by the parties.

**DEFINITIONS**

The following definitions and instructions apply to each of the requests set forth below and are deemed to be incorporated therein.

1. The “Collections” shall refer to two unpublished collections registered with the U.S. Copyright Office, which include the collection titled “Concert photographs through August 15, 2013” (Registration Number VAu 1-164-624) and the collection titled “2009 Musician Photos” (Registration Number VAu 1-132-411).

2. “Document” and/or “Thing” shall be construed to mean, without limitation any written, printed, typed, stored, photostated, photographed, recorded or otherwise reproduced communication, compilation or reproduction, including computer or electronically generated or stored information or data, whether assertedly privileged or not. “Document” specifically includes all forms of electronic data. A draft or non-identical copy is a separate document within the meaning of this term. As used herein, “Thing” also means any tangible item(s), other than a “Document” as defined herein, which constitute or contain matters within the scope of Rule 34 of the Federal Rules of Civil Procedure.

3. “Person” means any natural person or any legal entity, including, without limitation, any business or governmental entity or association.

4. “Plaintiff,” “you” or “your” means Larry Philpot and/or all persons acting, or purporting to act, on his behalf.

5. The “Photographs” means the photographs of Randy Travis, Kenny Chesney, and Willie Nelson, which you allege are protected by the copyright registrations for the Collections, and which are annexed as Exhibits A, C, and E to the Complaint, including any cropped or resized copy.

6. “UMG” means UMG Recordings, Inc. and/or all its past or present predecessors, successors, partners, investors, corporate parents, affiliated companies or corporations, divisions, departments, direct or indirect subsidiaries, officers, directors, employees, principals, agents, attorneys, servants, representatives, and all other persons acting, or purporting to act, on its or their behalf.

7. The term “concerning” means relating to, referring to, describing, evidencing or constituting.

### **INSTRUCTIONS**

1. The document Requests herein shall be deemed to include any and all documents and things within your possession, custody, or control. Separate and complete sworn responses (or, as the case may be, separate objections) are required for each Request.

2. You shall respond with all responsive information. With respect to any document responsive to this Request that is withheld from production based upon a claim of privilege, please provide the information required pursuant to Rule 26(b)(5) of the Federal Rules of Civil Procedure, identifying without limitation: 1) the type of document withheld; 2) its date, if any; 3) its possessor; 4) the name, position and business affiliation of its author(s) and recipient(s); 5) its general subject matter; 6) the number of pages; 7) the paragraph of the Request to which it is responsive; and 8) the nature of the privilege claimed.

3. If, for reasons other than a claim of privilege, you refuse to produce any document requested herein, state the grounds upon which the refusal is based with sufficient specificity to permit a determination of the propriety of such refusal, including, but not limited to, a description of 1) the type of document withheld; 2) its date, if any; 3) its possessor; 4) the name, position and business affiliation of its author(s) and recipient(s); 5) its general subject matter; 6) the number of pages; and 7) the paragraph of the Request to which it is responsive.

the fair scope of the request. In particular: (a) the present tense shall also include the past tense; (b) “and” and “or” shall be construed conjunctively or disjunctively as necessary to make each Request inclusive rather than exclusive; (c) “each” shall be construed to include and encompass “all;” (d) any pronoun shall be construed to refer to the masculine, feminine or neutral gender; (e) the term “relating to” shall have the same meaning as the term “concerning;” (f) the term “including” shall be construed broadly to mean “including but not limited to” or “including without limitation;” (g) the singular form of a word shall be interpreted as plural, and the plural form of a word shall be interpreted as singular, whichever makes the Request most broad; and (h) “any” and “all” shall each be construed to mean “any and all,” so as to acquire the broadest meaning possible.

9. These Requests are continuing in nature, and must be supplemented to the extent that, subsequent to responding to these requests, you obtain additional information that renders any of your initial responses inaccurate or incomplete.

### **DOCUMENT REQUESTS**

#### **Request No. 1.**

All documents relating to the creation of the Photographs.

#### **Request No. 2.**

All documents prepared for the purpose of registering the Collections with the U.S. Copyright Office.

#### **Request No. 3.**

All documents provided by you to the U.S. Copyright Office in support of registration of the Collections.

**Request No. 4.**

All documents constituting or relating to communications between you and the U.S. Copyright Office concerning the registration of the Collections, including any communications with third parties that relate to those communications.

**Request No. 5.**

All documents constituting or relating to communications between you and the U.S. Copyright Office concerning the publication status of the Photographs, or any other photograph in the Collections, including any communications with third parties that relate to those communications.

**Request No. 6.**

All documents relating to contracts, agreements, and understandings between you and any third party concerning the copyrights to the Collections, or any part of the Collections, including the Photographs.

**Request No. 7.**

All documents relating to communications between you and any third party that sought a license to either reproduce, distribute, or publicly display the Photographs.

**Request No. 8.**

All documents relating to contracts between you and any third party that provided the third party with the right to reproduce, distribute, or publicly display the Photographs.

**Request No. 9.**

All documents relating to any instance in which you uploaded, displayed, distributed, or licensed, any of the Photographs over the Internet.

**Request No. 10.**

All documents between you and any third party in which you have referred to any photographs you created, including the Photographs, as published.

**Request No. 20.**

All documents relating to copyright litigation or the potential for copyright litigation.

**Request No. 21.**

All documents concerning any lawsuits brought by Plaintiff alleging infringement of the Photographs.

**Request No. 22.**

All documents that mention or relate to UMG.

Dated: October 2, 2017

Respectfully submitted,

By: /s/ Leo M. Lichtman

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